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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,873

04/14/2004

On Shan Ngan

10710/613

6169

757 7590 03/07/2007  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER

LANDRUM, EDWARD F

ART UNIT

PAPER NUMBER

3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/823,873

Applicant(s)

NGAN ET AL.

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 13 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 12, 14-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 9, 12, 14-18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Orrico (U.S Patent No. 6,553,675).

Regarding claim 1-3, 20, and 21, Orrico teaches (see Figures 1-5) a portable jigsaw (10) having a housing (12), a handle, a motor secured in the housing, a saw blade (14), and an adjustable base (16). The adjustable base comprises a longitudinal shell (36) secured to the housing and facing away from the housing. The shell (36) is generally parallel with the cutting plane of the blade (14). A base plate (20) is secured to the shell (36). The base plate (20) has a generally planar contact surface for engaging work piece. A shaft (63) is mounted to the housing (12) and extends through a transverse slot (38) in the shell (36). A collar (46, 48, and 50) is operably connected to the end of the shaft (63) nearest the housing (12) and has a first cam surface (48). The first cam surface (48) cooperates with a corresponding second cam surface (56) that is rotationally fixed relative to the housing. A longitudinal clamp plate (58) is located in the shell (36) inner region and cooperates with the distal end of the shaft (63) for clamping the shell (36) to the housing. The clamp member (58) is sized to allow the shell (36) to pivot about the clamp member (58) as the transverse slot (38) provides

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clearance for the shaft (63). The shaft (63) is threadably engaged to the clamp member (58) so that rotation of the collar in the unlock direction extends the shaft further away from the housing and rotation of the collar in the lock direction extends the shaft towards the housing. The collar (46, 48, and 50) can be considered a collar because its design prevents a second collar (52, 54, and 56) from moving relative to it. A lever (40, 42, and 44) is mounted to the collar (46, 48, and 50) and extends axially away from the collar. The lever is formed integrally with the collar, rotates in a direction perpendicular to the longitudinal axis of the base plate and has a notch (44) formed in the lever that interacts with the side of the housing (20) to lock the lever in place and provide a limit to the rotation of the lever (Col. 3, lines 65-67).

Regarding claim 12, Orrico teaches (see Figure 4) a cavity (23) formed in the housing (11) for limiting the rotation of the lever (29).

Regarding claim 14, 15, and 16, Orrico teaches (see Figure 4) a second collar (52, 54, and 56) with the second cam surface (56) formed thereon. The shaft (63) is journaled within the second collar, and the second collar is rotationally fixed relative to the housing by the shaft (63).

Regarding claims 17 and 18, Orrico teaches (see Figures 2 and 3) the first collar is fixed for rotation with the shaft (63) as the shaft cannot rotate without also rotating the first collar. The second collar is axially restrained by the shaft (63) towards the first collar, and the clamp member (59) is threadably engaged with the shaft (63). When the first collar is rotated in the unlock direction the second collar, clamp (58), and shaft (63)

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move axially away from the housing. When the first collar is rotated in the lock direction the second collar, clamp (58) and shaft (63) move axially towards the housing.

### ***Response to Arguments***

3. Applicant's arguments filed 1/11/2007 have been fully considered but they are not persuasive.

The phrase "a lever mounted to the collar and rotatable in a direction perpendicular to the longitudinal axis" is indeterminate as to what is actually being claimed. The lever (40, 42, and 44) of Orrico does rotate in a direction perpendicular to the longitudinal axis of the base as rotating the lever would cause vertical placement of the end of the lever to change. The examiner suggests the phrase "a lever mounted to the collar and rotatable around around an axis extending perpendicular to the longitudinal axis" or something to that effect.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCarthy et al (U.S Patent No. 3,087,519), Glass (U.S Patent No. 4,221,051), Gentinetta et al (U.S Patent No. 5,778,538), Tam et al (U.S Publication No. 2004/0168561), and Wadge (U.S Publication No. 2004/0163263) teach clamping means for jigsaws.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

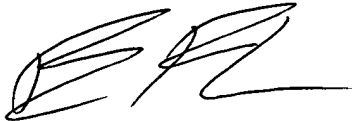
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL  
2/22/2007



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER

